Dixit

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1196 OF 2007
IN
APPEAL FROM ORDER NO.868 OF 2007
IN
NOTICE OF MOTION NO.2108 OF 2007
IN
B.C.C.C. L.C. SUIT NO.2284 OF 2007

Vijay Omkarmal Jain @ Saraogi ...Applicant
V/s.
The Municipal Corporation of Greater Bombay ...Respondents

Mr.G.H. Shukla, Advocate, for the Applicant.

Mr.Joglekar Geeta, Advocate, for the Respondent.

CORAM : ABHAY S. OKA, J.
DATE : 1ST NOVEMBER, 2007.

P.C.:

1. Rule. Respondents waives service. Taken up for hearing. The Appeal has been admitted for final hearing. Therefore, the suit structure will have to be protected subject to compliance with certain conditions by the applicant.

2. Hence, the Civil Application is disposed of by passing the following order:-

(i). There will be interim reliefs in terms

of prayer clause (a) subject to condition that the applicant will file an undertaking in this Court within a period of four weeks from today stating therein that the applicant will not carry out any additions or alterations to the godown / premises in question without permission of this Court and will not part with possession thereof in favour of any third party.

(ii). In case undertaking is not filed within a period of four weeks from today, the interim relief granted will stand vacated without further reference to the Court. In case the applicant commits any breach of the said undertaking, it will be open for the respondent-Corporation to apply for vacating the interim reliefs.

(iii). There is no order as to costs.

[ABHAY S. OKA, J.]